

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

**IN RE COMPACT DISC MINIMUM
ADVERTISED PRICE ANTITRUST
LITIGATION**

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MDL DOCKET No. 1361

PRETRIAL ORDER

[DUTIES OF LEAD COUNSEL IN THE PRIVATE CIVIL ACTIONS]

IT IS HEREBY ORDERED as follows:

1. Appointment of lead counsel will facilitate the efficient conduct of this litigation and communication both among plaintiffs' counsel and with counsel for the defendants. By Order dated January 26, 2001, the Court appointed the law firm of Kohn, Swift & Graf, P.C. as lead counsel for the private plaintiffs. Unless otherwise specified, all further references in this Order to "plaintiffs" means the private plaintiffs.

2. The plaintiffs' lead counsel shall be responsible for coordinating the activities of the plaintiffs during the pretrial proceedings, and shall monitor the activities of co-counsel to assure that schedules are met and unnecessary expenditures of time and expenses are avoided. Toward that end, lead counsel shall receive and review time and expense reports from all attorneys acting on behalf of the plaintiffs and the class they seek to represent. Such reports shall be submitted to lead counsel by the 15th of every month following the reporting month. No attorney fee award shall be made for time or expenses unless timely

reports for the same are filed with Lead Counsel. Also toward that end, no attorney fee award will be made for time or expenses not authorized by lead counsel, or for time or expenses incurred in the review of pleadings, briefs or other written materials unless such review is necessary for the performance of substantive work in the litigation. Lead counsel are directed to provide a copy of this Order to all plaintiffs' counsel.

3. The plaintiffs' lead counsel shall also maintain adequate and contemporaneous time and expense records covering its own services as lead counsel, available to the Court *in camera* upon request.

4. The plaintiffs' lead counsel shall have the following additional duties:

(a) Determine the position of the plaintiffs on all matters arising during the pretrial proceedings and present such positions orally or in writing to the Court and opposing parties (personally or by a designee);

(b) Coordinate the initiation and conduct of discovery on behalf of the plaintiffs, consistent with the requirements of the Federal Rules of Civil Procedure, including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions;

(c) Conduct settlement negotiations on behalf of the plaintiffs;

(d) Delegate responsibilities for specific tasks to other counsel for the plaintiffs in a manner to assure that pretrial preparation for the plaintiffs is conducted effectively, efficiently and economically;

(e) Monitor the activities of co-counsel to assure that schedules are met and unnecessary expenditures of time and expense are avoided;

(f) Perform other duties as may be incidental to the proper coordination of the plaintiffs' pretrial activities or authorized by further order of the Court; and

(g) Coordinate with lead counsel for the State Attorneys General to avoid overlap on discovery, briefing and argument.

SO ORDERED.

DATED THIS 8TH DAY OF FEBRUARY, 2001.

D. BROCK HORNBY
UNITED STATES CHIEF DISTRICT JUDGE